

REMARKS

These amendments and remarks are in response to the Office Action dated March 23, 2009. Applicant requests a three-month extension of time and authorization is given to charge Deposit Account No. 50-0951 for the appropriate fees.

At the time of the Office Action, claims 1-7 were pending. In the Office Action, claims 3-7 were rejected under 35 U.S.C. §112, first paragraph. Claims 1-7 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-5 were rejected under 35 U.S.C. §102(b). Claims 6 and 7 were rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

I. Claim Rejections under 35 U.S.C. §112

Claims 3-7 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 1-7 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As to the rejection to claim 3 related to the means plus function limitation, Applicant notes that supporting structure can be found in figures 1-2 and corresponding description with reference to numerals 19 and 22 (description page 6, lines 16-21). From the description and figures, the means for feeding and distributing the fluidification air are exemplified by opening 22 and chamber 19. The Office Action notes that the specification states on page 6 that means to blow the air is known *per se*, but asserts that the blowing means should be described. Applicant notes that means for feeding air, and means for distributing air do not need to include means for blowing air. The means to blow air can be upstream of the means for feeding the blown air into the chamber for distribution. Thus, the blowing means is not part of the claim, and as the person of ordinary skill in the art knows many different blowing means, it is not felt necessary to add this to the application.

Appropriate amendments are made herein to over come the 35 U.S.C. §112, second paragraph rejections. Withdrawal of all the both of the 35 U.S.C. §112 rejections is believed to be appropriate.

II. Rejections to the claims based upon Art

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,635,684 to Joscelyne ("*Joscelyne*"). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Joscelyne*, in view of U.S. Patent No. 3,836,611 to Mavrovic ("*Mavrovic*".) Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Joscelyne*, in view of *Mavrovic*, and further in view of U.S. Patent No. 4,338,878 to Mason et al. ("*Mason*").

According to *Joscelyne* (see the figure and column 2, lines 45 to 55), a plurality of liquid droplets of a caustic soda solution are sprayed through a spray C and made to fall by gravity through a free space B of a tower. Simultaneously, dry air is blown in the tower from its bottom. At B, the drops of caustic soda solution evaporate isothermally and adiabatically to give granules. These granules collect on the perforated plate E, where they are kept in fluidized motion by the upflow of dry air.

It is clear from the process disclosed in *Joscelyne* that the granules are formed solely and exclusively in tower B, through a drying process of the falling droplets of caustic soda solution. On plate E, the formed granules are merely collected (and kept in fluidized motion). There is no mention in *Joscelyne* about the formation of granules on plate E. Any assertion that in the fluid bed on plate E granules are also formed finds no basis at all in *Joscelyne* and on the contrary it goes clearly against the disclosure and teaching resulting from this document.

According to the claimed granulation process, the granules are formed in the granulation fluid bed F1. This feature is already contained in the definition itself of the term "granulation fluid bed" and it results directly and unambiguously from the wording of present claim 1. Nevertheless, as a clarification, Applicant amends claim 1 herein to recite the forming of the granules in a granulation fluid bed.

The subject matter of present claim 1 differs from *Joscelyne* at least in that the granules are prepared in a fluid bed (granulation fluid bed F1), while in *Joscelyne* the granules are obtained through a drying process of the droplets of caustic soda solution falling by gravity in the free space B. The effect of such distinguishing feature is a process which is technically totally different from the process disclosed in *Joscelyne*.

Indeed, the present application relates to the specific technical field of granulation processes, in which starting solid seeds of a predetermined chemical substance are appropriately wetted by a growing liquid, generally made of the same chemical substance, in order to progressively increase the size (diameter) of the starting seeds until granules of predetermined size are obtained.

Claim 1 relates to a fluid bed granulation process in which seeds are grown and the granules are formed in fluid bed conditions. Thus, in a fluid bed granulation process, the granules are formed in a granulation fluid bed and the finished hot granules are then removed from such a granulation fluid bed.

To the contrary, the process disclosed in *Joscelyne* is concerned with a totally different, if not opposite, technical field, in which caustic soda granules are formed according to the well known prilling technology, as described above. Such a prilling technology cannot be compared or confused with a granulation process according to its conventional and consolidated meaning in the art.

The technique of making granules starting from a solid seed of very small size, which is continuously increased by applying thereon layers of growing substance until the desired size is obtained, does not relate to the prilling technique, in which granules are obtained by simply cooling a liquid droplet, the obtained granule (prill) having substantially the same size of the droplet.

Claim 1 is amended herein to more particularly define the granulation fluid bed procedure. Proper support for the amendment to claim 1 can be found, for instance, in the description, page 1, lines 16-20.

As to claim 3, it is noted that the claimed apparatus for carrying out the granulation process of claim 1 implicitly includes feeding devices for the independent feeding in the granulation space of seeds and growing liquid, respectively, because a granulation process necessarily requires the use of seeds and growing liquid. Nevertheless, claim 3 is amended herein to include such devices. Proper support for the amendment to claim 3 can be found, for instance, in the description at page 6, lines 11-16.

The above features of claim 3 are not disclosed or suggested in *Joscelyne*, which does not require the use of seeds and growing liquid. Indeed, the prilling tower disclosed in *Joscelyne* merely comprises a distributor C of liquid caustic soda.

For the above reasons, the subject matter of claims 1 and 3 are patentable over the cited prior art. Similar arguments apply to dependent claims 2 and 4-7, which are believed to be allowable because of their dependence upon an allowable base claim, and because of the further features recited. All claims are thus believed to relate to patentable subject matter, and to be in condition for allowance.

III. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

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Respectfully submitted,


Mark D. Passler

Registration No. 40,764

Sarah E. Smith

Registration No. 50,488

AKERMAN SENTERFITT

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000